

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN DIEGO REGION

2375 Northside Drive, Suite 100, San Diego, CA 92108

Phone (619) 516-1990 · Fax (619) 516-1994

www.waterboards.ca.gov/sandiego

**TENTATIVE ORDER NO. R9-2017-0013
AMENDING**

**ORDER NO. R9-2012-0012, AS AMENDED BY ORDER NO. R9-2014-0105,
NPDES NO. CA0107417
WASTE DISCHARGE REQUIREMENTS
FOR THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY
DISCHARGE TO THE PACIFIC OCEAN
THROUGH THE SAN JUAN CREEK OCEAN OUTFALL**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), finds that:

Background

1. On April 11, 2012, the San Diego Water Board adopted Order No. R9-2012-0012, National Pollutant Discharge Elimination System (NPDES) No. CA0107417, establishing waste discharge requirements for the South Orange County Wastewater Authority (SOCWA) to discharge up to 38.78 million gallons per day (MGD) of treated municipal wastewater from four publicly-owned treatment works (POTWs), waste brine from two ground water desalination facilities, and dry weather nuisance discharges flow from an urban runoff treatment facility into the Pacific Ocean through the San Juan Creek Ocean Outfall (SJCOO), located off the coast of south Orange County.
2. On December 11, 2014, the San Diego Water Board adopted Order No. R9-2014-0105 amending Order No. R9-2012-0012 to require SOCWA to implement the *Workgroup Recommendation for a Unified Beach Water Quality Monitoring and Assessment Program in South Orange County*, dated October 2014, made effective in the written directive issued pursuant to Water Code section 13383 and subject to future revisions by the San Diego Water Board's Executive Officer after appropriate public input.
3. The State Water Resources Control Board (State Water Board) adopted the *Water Quality Control Plan for Ocean Waters of California* (Ocean Plan) in 1972 and amended it in 1978, 1983, 1988, 1990, 1997, 2000, 2005, 2009, 2012, and 2015. The State Water Board adopted the latest amendment on May 6, 2015, and it became effective on January 28, 2016. The Ocean Plan is applicable, in its entirety, to point source discharges to the Pacific Ocean. In order to protect beneficial uses, the Ocean Plan establishes water quality objectives and a program of implementation. Requirements of Order No. R9-2012-0012, as amended, implement the Ocean Plan.

4. Table 2 of the Ocean Plan establishes technology-based effluent limitations (TBELs) for POTWs and industrial discharges for which Effluent Limitation Guidelines have not been established pursuant to sections 301, 302, 304, or 306 of the federal Clean Water Act (CWA). These TBELs apply to each of the discharges to the SJCOO, including waste brine from the South Coast Water District's Groundwater Recovery Facility (GRF).
5. Order No. R9-2006-0054 established compliance monitoring for the TBELs applied to the GRF discharge at a location within the individual GRF discharge (Monitoring Location M-001F) prior to commingling with effluent from other Facilities discharging to the SJCOO.
6. As part of the permit reissuance in 2012, SOCWA requested that the monitoring location for compliance measurements with TBELs applied to the GRF discharge be relocated to a location where representative samples of commingled effluent from all Facilities discharging to the SJCOO can be collected (Monitoring Location M-001) because the GRF discharge could not comply with the TBELs at Monitoring Location M-001F. Exceedances of TBELs at Monitoring Location M-001F had previously led to imposition of mandatory minimum penalties (MMPs) against SOCWA in 2009.
7. Given the immediate pendency of an Ocean Plan amendment affecting brine discharges (such as the GRF discharge), the State Water Board's Chief Deputy Director stated in a letter to the San Diego Water Board's Executive Officer, dated March 8, 2012, that the San Diego Water Board could consider, on an interim basis, moving the TBEL compliance point for the GRF brine discharge in the 2012 permit reissuance from the independent GRF discharge point (Monitoring Location M-001F) to a point within the commingled waste streams discharged into the Pacific Ocean through the SJCOO (Monitoring Location M-001). The rationale in the State Water Board's March 2012 letter was based on a recognition that brine waste discharges have significantly different impacts to ocean water quality than other industrial wastes and that the TBELs from Table 2 of the Ocean Plan may not be appropriate for brine waste discharges.
8. Following the guidance in the State Water Board's March 2012 letter, Order No. R9-2012-0012 moved the compliance point for the GRF brine discharge from Monitoring Location M-001F to Monitoring Location M-001. The mass-based effluent limitations for the GRF brine discharge were also based on the effluent flow limitation (38.78 MGD) at the compliance point (M-001).

Purpose of this Order

9. By letter dated May 20, 2016, SOCWA requested that Monitoring Location M-001F, rather than Monitoring Location M-001, be used to determine compliance with the applicable TBELs for the GRF. SOCWA stated that this change would make the GRF's TBEL compliance point consistent with the TBEL compliance points for all other discharges to the SJCOO.
10. Based on Findings 1 through 10 above, the San Diego Water Board is amending Order No. R9-2012-0012 to incorporate the changes requested by the Discharger.
11. With the change in compliance point for the GRF, the mass-based effluent limitations were recalculated using the effluent flow limitation at M-001F (0.6 MGD), rather than the effluent flow limitation at M-001 (38.78 MGD).

Legal Authorities

12. Section 13263(e) of the Water Code, provides that the San Diego Water Board may, upon application by any affected person, or on its own motion, review and revise waste discharge requirements. Section 122.62(a) of title 40 of the Code of Federal Regulations authorizes the reopening and modification of an NPDES permit based upon new information.
13. Order No. R9-2012-0012 is not being reopened for any other purpose than the revisions contained herein. Except as contradicted or superseded by the findings and directives set forth in this Order, all of the previous findings and directives of Order No. R9-2012-0012 shall remain in full force and effect.

California Environmental Quality Act

14. This action is exempt from the requirement of preparation of environmental documents under the California Environmental Quality Act (Public Resources Code, division 13, chapter 3, section 21000 *et seq.*) in accordance with section 13389 of the Water Code.

Public Participation

15. The San Diego Water Board has notified all known interested parties of its intent to adopt Order No. R9-2017-0013.
16. The San Diego Water Board in a public meeting on March 8, 2017, heard and considered all comments pertaining to the adoption of this Order.
17. Any person aggrieved by this action of the San Diego Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 *et seq.* The State Water Board must receive the petition by 5:00 p.m., 30 days after the adoption date of this Order. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

IT IS HEREBY ORDERED:

1. This Order amends Order No. R9-2012-0012, NPDES No. CA0107417, as described in the revised version included as Attachment 1 to this Order. Added text to Order No. R9-2012-0012 is displayed as red-underline text and deleted text is displayed as ~~red-strikeout~~ text. Modifications to Order No. R9-2012-0012 were made to the following sections:

<u>Page No.</u>	<u>Section No.</u>
14	Section IV.A.1.b
15	Section IV.A.1.b, Table 13
E-6 - E-9	Attachment E, Section IV.B.1, Table E-4
F-20 - F-21	Attachment F, Section IV.B.2.b
F-34	Attachment F, Section IV.D, Table F-26
F-35	Attachment F, Section IV.D.1
F-35	Attachment F, Section IV.D.2.a
F-44	Attachment F, Section VI.B

2. The amended version of Order No. R9-2012-0012 included as Attachment 1 to this Order shall become effective on March 8, 2017.
3. San Diego Water Board staff is directed to prepare and post a conformed copy of Order No. R9-2012-0012 incorporating the revisions made by this Order.

I, David W. Gibson, Executive Officer, do hereby certify that this Order is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on **March 8, 2017**.

TENTATIVE

David W. Gibson
Executive Officer